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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Susumu NODA et al.

Group Art Unit: 2883

Application No.: 10/591,299

Examiner: K. KIANNI

Filed: August 31, 2006

Docket No.: 128699

For: TWO-DIMENSIONAL PHOTONIC CRYSTAL

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the October 18, 2007 Election of Species Requirement, Applicants provisionally elect Species B, with traverse.

At least claims 1, 4 and 5 read on Species B. At least claim 1 is generic to all species.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one Group of species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.